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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 1030 (1995) of 14 December 1995, in which the Council requested me to report to it every three months on the progress towards a comprehensive political settlement of the conflict and on the operations of the United Nations Mission of Observers in Tajikistan (UNMOT).

II. NEGOTIATING PROCESS AND MAINTENANCE OF THE CEASE-FIRE

2. As previously reported (S/1995/1024), the continuous inter-Tajik negotiations under United Nations auspices began in Ashkhabad on 30 November 1995. However, on the previous day, fighting began north-east of Tavildara between government forces at Mienadu and Argankul and opposition forces at Lairon; the latter had been reinforced from Gorniy Badakshan during the preceding months. By 6 December, the government forces had advanced to Lairon. During the same period, opposition fighters carried out frequent attacks against border posts in the Moskovskiy district. UNMOT undertook investigations of its own and arranged investigations by the Joint Commission in both areas. The beginning of the Ashkhabad talks was overshadowed by this fighting and the first working plenary session was held only on 7 December.

3. On 13 December 1995, the two delegations adopted a joint declaration (see annex I to the present report), in which they deplored the serious violations of the Tehran agreement (S/1994/1102, annex I) and pledged to respect it in the future. The fighting nevertheless continued. On 14 and 15 December, my Special Envoy for Tajikistan, Mr. Ramiro Píriz-Ballón, visited Moscow for consultations with Mr. Ryurikov, Foreign Policy Assistant to President Boris Nikolaevich Yeltsin, and Mr. Chernishov, Deputy Foreign Minister. On 17 December, an UNMOT team was stationed in Tavildara. After joint efforts by the Government of the Russian Federation and the United Nations, the fighting was halted and the situation gradually calmed down.

4. Following this restoration of a fragile cease-fire, the two delegations in Ashkhabad began consideration of the main political issues included in the

protocol of 17 August 1995 on the fundamental principles for establishing peace and national accord in Tajikistan (S/1995/720). The delegation of the Government, led by Mr. Makhmadsaid Ubaidulloev, First Deputy Prime Minister, presented a position paper in which the establishment of a consultative forum of the peoples of Tajikistan was the main proposal. The proposed forum would be convened at Dushanbe in May/June 1996 on the basis of equal representation by the Government and the opposition. It would consider the further improvement of political, economic and social reforms and would have consultative status; its recommendations would be adopted by consensus. The Government's proposals touched only in general terms on other important political issues included in the 17 August protocol. The opposition delegation rejected the concept of the consultative forum proposed by the Government, alleging that Dushanbe wanted to avoid the consideration of other political issues by concentrating exclusively on this issue.

5. The delegation of the United Tajik Opposition, led by Mr. Akbar Turajonzodah, First Deputy Chairman of the Islamic Revival Movement of Tajikistan, presented elaborate proposals on political and military issues, as well as guarantees for the implementation of a general peace agreement. The core of the opposition's proposals was the establishment of a council of national reconciliation for a transitional period of up to two years. The council would consist of 25 representatives from each of the two sides and 10 representatives of ethnic minorities; it would be chaired by a representative of the opposition. The council would replace the Parliament (Majlis-i Olii), which would be disbanded. The current President would continue his functions and, together with the council, would form a new Government. The council would prepare new parliamentary elections and would cease to exist once the new parliament was elected. New presidential elections would be held six months later. These proposals were rejected by the government delegation as unconstitutional and as having the potential to destabilize the country once again and provoke a new cycle of civil war. On 22 December 1995, the delegation of the opposition presented its own proposals on the establishment of the consultative forum of the Tajik peoples. However, they were not accepted by the other side.

6. This was the first time that the two sides discussed the central political issues, including possible ways of power-sharing. However, they were not able to reach agreements on them because of the wide gap between their approaches.

7. On 22 December 1995, during the last plenary session of this first phase of the Ashkhabad talks, the delegation of the opposition unexpectedly declared that it would not consider it appropriate to renew the continuous round of inter-Tajik talks unless the heads of State of the Commonwealth of Independent States, at their scheduled summit in mid-January 1996, clearly defined their position with regard to a political settlement in Tajikistan and supported that position with concrete acts. This condition created a serious obstacle to the resumption of the talks, which had been scheduled for 15 January 1996. Following concerted efforts by my Special Envoy and interested Governments, particularly that of Turkmenistan, the talks resumed on 26 January.

8. The beginning of the second phase, which lasted from 26 January to 18 February 1996, was again adversely affected by an escalation of violence and

instability in Tajikistan. On 27 January, armed insurrections against the Government took place at Kurgan-Tyube, Tursunzade and Khojand. In Khojand the insurrection subsided soon afterwards, but a potentially dangerous situation developed in Tursunzade, where the group involved took members of the Tajik border guards hostage, and in Kurgan-Tyube, where the First Brigade of the Tajik army took control of the city and subsequently deployed towards Dushanbe, coming at one point within 15 kilometres of the capital. The insurgents made a number of demands, including the replacement of senior government officials, the partition of Khatlon province and an amnesty for themselves. The situation was defused without bloodshed after the Government complied with some of these demands, including the replacement of some officials and the amnesty. The insurgents in Tursunzade laid down their arms and the First Brigade returned to its barracks.

9. While the country was preoccupied with this crisis, fighting resumed in the Tavildara sector on 29 January. The opposition inflicted heavy losses on the government forces and took a large number of prisoners. Until mid-February the opposition forces advanced approximately 30 kilometres along the Obikhingou valley towards Tavildara, reaching a new line at Sayod, about 18 kilometres north-east of Tavildara. On 11 February, at Sicharog (near Komsomolabad), the opposition took control of a stretch of the road between Dushanbe and Tavildara/Garm, thereby impeding the resupply of government forces at Tavildara. In the Garm area, the situation was also very tense, despite a meeting arranged by UNMOT on 12 February between the Joint Commission and the chief opposition commander in the area. At Vanj the opposition, which already exercised military control in the valley, seized the government offices and forced the officials to resign. After intervention by UNMOT, the offices were vacated except for the internal security office, whose chief had refused to resign. There were also exchanges of fire between opposition fighters and the Russian border forces along the border with Afghanistan, between Panj and Shuroabad.

10. During the second phase of the Ashkhabad talks, the delegation of the Government was led by Mr. Talbak Nazarov, Minister for Foreign Affairs. At the beginning of the round, he presented a position paper which included proposals to hold a special session of the Parliament to consider the inter-Tajik negotiations; to discuss the modalities of the integration of opposition representatives into the Government and local executive committees; and to consider ways for integration of opposition military units into the government forces. In addition, the government delegation accepted the opposition's proposals of 22 December 1995 on the establishment of the consultative forum of the Tajik peoples.

11. Given this conciliatory and flexible position, it was possible to prepare a draft agreement on convening the consultative forum. However, the two sides disagreed on the timing of its convening. The government delegation suggested that it could meet periodically, before and after the signing of the general peace agreement. The opposition delegation changed its previous position, as formulated in the proposal of 22 December, and insisted that the forum be convened only after the signing of the general peace agreement and after the establishment of the council of national reconciliation. However, the two sides agreed that the draft agreement would remain open for signature after the problem of timing was resolved.

12. As regards the modalities for the special session of the Parliament, the government delegation agreed with the proposal of the opposition that its proceedings should be fully publicized over radio and television and in other mass media. The agreement on holding the special session was included in the Ashkhabad Declaration (S/1996/129, annex).

13. The opposition delegation did not present new proposals during the second phase of the talks and reiterated its positions on political issues as formulated during the first phase of the talks. It stressed that the establishment of the council on national reconciliation was the only viable option to resolve the crisis and avoided discussing the participation of its representatives in the Government.

14. In view of the continued differences between the positions of the two Tajik sides, my Special Envoy presented compromise proposals on the political and military clusters of issues contained in the 17 August protocol (see annex II). The government delegation accepted the proposals as the basis for further negotiations. The opposition delegation accepted the proposals contained in paragraph 2 and made some clarifications of points (a) and (b) of paragraph 1 but completely rejected point (c). This dealt with granting an amnesty for the opposition leaders, who stated that the Government, which they did not recognize, was not in a position to pardon them. The opposition delegation also disagreed with the proposals contained in paragraph 3, which outlined ways to achieve power-sharing. The parties agreed to renew the talks in Ashkhabad at a time to be determined by my Special Envoy.

15. At Ashkhabad, the two sides also discussed the extension of the cease-fire agreement. The government delegation accepted my Special Envoy's proposal that it be extended for a further six months. The opposition delegation agreed to a three-month extension, provided the Government accepted three conditions: an exchange of prisoners of war and detainees (150 on each side) in one month; respect for the frontline in the Tavildara sector as it was on 17 February; and respect for the status quo established in the Vanj district as of 17 February. The government delegation was prepared to discuss the exchange of prisoners of war and detainees but rejected the other two conditions. The talks ended on 18 February without agreement on an extension of the cease-fire.

16. As the United Nations and others, notably the Islamic Republic of Iran and the Russian Federation, pursued efforts to establish agreement on extension of the cease-fire, a serious incident occurred in Dushanbe on 24 February, when Mr. Zafar Rakhmonov, the opposition co-chairman of the Joint Commission, was reported to have been kidnapped. At the time, he was unprotected, as the security detail provided by the Government for the opposition members of the Joint Commission under the relevant protocol had been withdrawn on 12 February and, despite repeated démarches by UNMOT, had not been replaced. No information has been received, so far, on Mr. Rakhmonov's fate or the identity of the kidnappers. The other four opposition members of the Joint Commission in Dushanbe have since left Tajikistan on security grounds.

17. On 25 February, I received a letter from Mr. Abdullo Nuri, leader of the United Tajik Opposition, in which he expressed readiness to extend the Tehran agreement for another three months, provided the Government agreed with the

proposals initiated by the Foreign Ministry of the Islamic Republic of Iran. On 26 February, I also received a letter from President Emomali Rakhmonov, in which he stated the unconditional commitment of his Government to the extension of the cease-fire agreement for the duration of the inter-Tajik negotiations. The Foreign Minister of the Islamic Republic of Iran, Mr. Velayati, during an official visit to Dushanbe on 28 and 29 February, discussed the possibility of extending the cease-fire agreement with President Rakhmonov. However, agreement on the extension was not finalized.

18. On 28 February, the Speaker of the Tajik Parliament, Mr. Safarli Rajabov, in a letter addressed to my Deputy Special Envoy, Mr. Darko Silovic, informed him of the decision of the Presidium of the Parliament to hold a special session of Parliament on 11 March 1996, in accordance with the Ashkhabad declaration. He requested the United Nations to facilitate the participation of the opposition leaders in the session. The Foreign Ministry of Tajikistan, in a letter of 5 March addressed to UNMOT, reconfirmed guarantees concerning the security and immunity of the opposition delegation.

19. On the same day, the government forces began artillery and air attacks against the positions of the opposition in the Tavildara sector. The opposition's roadblock between Dushanbe and Tavildara/Garm at Sicharog was forcibly removed after heavy fighting. At the time of reporting, the situation was unchanged although the fighting had diminished, apparently because of harsh weather.

20. In view of the seriousness of the problems related to the extension of the cease-fire agreement and the participation of the opposition delegation in the special session, I asked Mr. Ismat Kittani, my Special Adviser and, formerly, my Special Envoy for Tajikistan, to visit Tehran and Dushanbe in an effort to resolve these two issues, Mr. Píriz-Ballón having by this time returned to his country's service.

21. On 9 and 10 March 1996, Mr. Kittani had intensive talks in Tehran with Mr. Nuri, leader of the United Tajik Opposition, as well as consulting Mr. Vaezi, Deputy Foreign Minister of the Islamic Republic of Iran. As a result, and thanks to the good offices of Iranian officials, the Tajik opposition agreed to extend the cease-fire agreement for another three months until 26 May 1996 and confirmed this in a letter of 9 March 1996 addressed by Mr. Nuri to Mr. Kittani. Regrettably, however, the Tajik opposition leaders decided not to participate in the special session of the Parliament. Security concerns were given as the main reason for their decision. But Mr. Nuri has unequivocally indicated the intention of the opposition to continue the inter-Tajik political dialogue and has expressed the will to resume negotiations as soon as possible.

22. On 11 March 1996, at its special session, the Tajik Parliament considered the issue of the inter-Tajik negotiations and problems related to national reconciliation. Mr. Nazarov made a report on the history and current status of the negotiations. He concluded in his report that the conflict could be resolved only through political dialogue, although he emphasized that compromise should be based on the provisions of the current Constitution. An absolute majority of the speakers, including President Rakhmonov, strongly supported the

continuation of the inter-Tajik negotiations as the only way out of the current crisis. They expressed regret over the absence of the opposition leaders. Mr. Kittani addressed the session, highlighting the need for both parties to strictly observe the provisions of the cease-fire agreement and to make substantive progress in resolving the key political problems. The proceedings of the session were broadcast in full by the national radio and television.

III. ACTIVITIES OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

23. UNMOT's activities during this period were largely determined by the events described above. It carried out 19 investigations, 4 of which were conducted with the Joint Commission and 15 independently. In 3 cases the available evidence was not sufficient to substantiate or disprove the allegations; in 10 cases violations were clearly established. Six were committed by the Government and four by the opposition. In 3 cases investigations continue.

24. During the periods of high tension in February and March, UNMOT's observers were twice harassed and their freedom of movement was restricted by government personnel at Tavildara and on the Garm-Dushanbe road. Similarly, opposition fighters in the Tavildara sector stopped and threatened a team of United Nations observers on 28 February. All these incidents were protested.

25. In accordance with the protocol of the Joint Commission (S/1994/1253), the Tajik Government is responsible for providing logistic support for the Commission. This has remained inadequate. The United Nations trust fund, which has been used for the same purpose, is now almost depleted. Similarly, UNMOT has not yet been provided with sufficient office space, as stipulated in the status-of-mission agreement between Tajikistan and the United Nations.

26. With the establishment of a team at Tavildara, UNMOT now maintains eight teams in the field and its strength has been increased to 45. However, it has not been possible to complete arrangements for the liaison office at Taloqan, in northern Afghanistan. The Afghan authorities have agreed to extend to UNMOT the necessary privileges and immunities but have so far objected to the stationing of military personnel. During the fighting in March, the peace-keeping forces of the Commonwealth of Independent States provided helicopter support to UNMOT for the rotation and resupply of the teams at Tavildara and Garm.

IV. OBSERVATIONS

27. The beginning of the continuous inter-Tajik negotiations at Ashkhabad raised hopes for substantive progress towards a general peace agreement, in accordance with the provisions of the 17 August 1995 protocol. However, very little progress was achieved, despite the active encouragement given to the parties by interested countries and the excellent conditions provided for the negotiations by the Turkmen Government. The only promising development in the talks was the agreement on holding the special session of the Tajik Parliament with the participation of the opposition leaders. Unfortunately, this session,

which had the potential of becoming a turning-point in the process of national reconciliation, was not attended by the opposition delegation.

28. I have taken note of the recent statements of President Rakhmonov and Mr. Nuri on their readiness to continue their direct dialogue and to resume the inter-Tajik negotiations in the near future. I welcome these intentions and hope that contacts between the two parties at the highest level will give the necessary impetus to the negotiating process. I also hope that the time before the resumption of the inter-Tajik negotiations will be used by both parties for promoting the atmosphere of mutual trust that is essential for the continuation of productive negotiations.

29. In the meantime, I am seriously concerned about the continued serious violations of the cease-fire by both sides and the grave difficulties we have encountered recently with the extension of the Tehran agreement. I appeal, therefore, to the Tajik parties to comply strictly with the obligations assumed under the cease-fire agreement. I also appeal to the leadership of the opposition to consider positively the proposal of the Government regarding the extension of the cease-fire agreement for the whole duration of the inter-Tajik negotiations. This would allow the parties to concentrate on the core political and other problems included in the 17 August 1995 Protocol and to avoid losing precious time in frustrating negotiations on extensions of the cease-fire.

30. I expect the Government to investigate fully the abduction of Mr. Zafar Rakhmonov and to provide all the security guarantees necessary for the safe and effective functioning of the Joint Commission. At the same time, I hope that the opposition members of the Joint Commission will return to Dushanbe and resume their important functions as soon as possible.

31. I am receiving alarming information on a deterioration of the humanitarian situation in Tajikistan, particularly in the areas affected by the continued military confrontation. Over 600,000 people are at present in need of emergency food assistance. Their plight is compounded by severe energy shortages and a rapid increase of health-related problems. Continued donor support is urgently required to respond to this current emergency.

32. I take this opportunity to inform members of the Security Council that Mr. Píriz-Ballón has assumed an important post in the Ministry of Foreign Affairs of Uruguay and cannot continue to perform the functions of my Special Envoy for Tajikistan. I should also like to express my deep appreciation for his dedication and for his substantive contribution to the United Nations peacemaking efforts in Tajikistan. I will shortly inform the Council of the arrangements I shall make to replace Mr. Píriz-Ballón.

Annex I

Joint declaration signed at Ashkhabad on 13 December 1995

The delegations of the Republic of Tajikistan and the United Tajik Opposition, expressing their interest in achieving concrete results in the course of the continuous round of inter-Tajik talks in Ashkhabad, in accordance with the protocol on the fundamental principles for establishing peace and national accord, condemn the serious violations of the Tehran agreement that have been committed from 18 August 1995 up to the present time.

The parties entrust the Joint Commission, with the participation of United Nations military observers, to carry out an investigation of the most recent events in the Tavildara and Shuroabad areas.

The parties undertake henceforth to respect and observe unconditionally the provisions of the aforesaid Agreement and request the United Nations Mission of Observers in Tajikistan (UNMOT) to redeploy its posts to these districts from other areas with a view to conducting observations and obtaining reliable information.

(Signed) M. UBAIDULLOEV
Head of the delegation of
the Government of the Republic
of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation of
the United Tajik Opposition

(Signed) R. PÍRIZ-BALLÓN
Special Envoy of the
Secretary-General of the
United Nations

Annex II

[Original: Russian]

Proposals submitted by the Special Envoy of the Secretary-General of the United Nations to Tajikistan on 6 February 1996 at Ashkhabad regarding the groups of political and military problems contained in the protocol of 17 August 1995

In accordance with the protocol of 17 August 1995 on the fundamental principles for establishing peace and national accord in Tajikistan, and with a view to normalizing and democratizing political life in the country and putting an effective end to the military confrontation, I propose that the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition should settle the following interconnected questions:

1. Legalizing the activities of all political parties and movements.

In order to reach the target that has been set, the following related questions should be settled:

(a) Making the necessary amendments to the Law of 12 December 1990 on public associations in the Tajik Soviet Socialist Republic, or adopting a new law on the subject;

(b) Ensuring legal and other guarantees for the free functioning of all political parties and movements, as well as their mass media;

(c) Discontinuing criminal proceedings against opposition figures in connection with the civil war and the subsequent military and political confrontation.

2. In parallel with and at the same time as addressing the tasks enumerated in paragraph 1 of this document, ensuring the transformation of military-political opposition movements into political parties.

To this end, the following measures should be implemented:

(a) Disbanding, disarming and reintegrating armed opposition formations into government armed forces or the country's civilian sector;

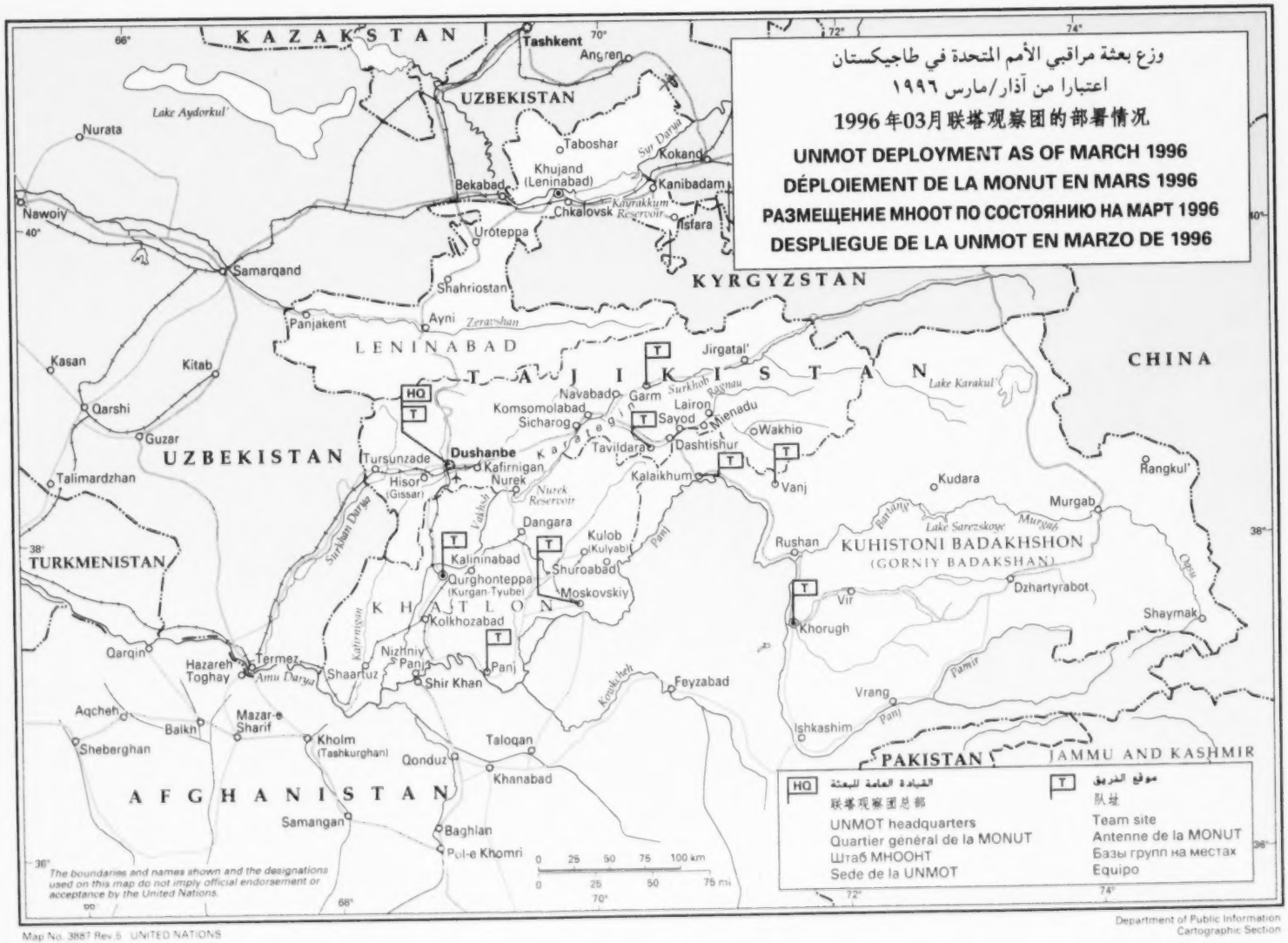
(b) Reforming governmental power structures to take account of regional criteria, including the recertification of all personnel and the dismissal of persons lacking professional training, who should be reintegrated into the civilian sector;

(c) Disarmament of the civilian population.

3. Carrying out the tasks indicated above will create conditions for the holding of free, fair, democratic and internationally monitored elections to the country's parliament and local government bodies. These elections will be held on the basis of a new law on elections or an amended and amplified version of the existing law. The Government and local executive bodies will be formed on the basis of the results of the elections. The opportunity for representatives of all political parties and movements to participate in the power structures will therefore be guaranteed on the basis of democratic principles.

4. While agreements are being elaborated on paragraphs 1, 2 and 3 of this document, with the participation of experts from the United Nations, other international organizations and States acting as observers at inter-Tajik negotiations, detailed mechanisms and guarantees will be agreed to ensure the precise and conscientious fulfilment by both sides of the agreements that have been reached.

(Signed) Ramiro PÍRIZ-BALLÓN
Special Envoy of the Secretary-General
of the United Nations



Map No. 3887 Rev.6 UNITED NATIONS
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